



Land Use Services Department

Building & Safety Division

PRECONSTRUCTION INSPECTION GUIDELINES

San Bernardino County has adopted regulations to protect native plants, prevent erosion and provide for flood hazard protection of structures. The regulations are found in Title 8 of the San Bernardino County Code. Generally, a permit and inspection approval is required prior to the removal of protected native trees or plants or conducting any land disturbing activity (such as construction activity). This information is intended to serve as a guide to the requirements as they affect construction activity and is divided into four (4) parts:

PART I.	PLANT PROTECTION & MANAGEMENT
PART II.	FLOOD HAZARD PROTECTION
PART III.	SOIL POLLUTION PREVENTION
PART IV.	SUMMARY PROCEDURE

An additional fee will be collected for this inspection, except in erosion control areas where the preconstruction inspection fee is included in the erosion control permit.

PART I. PLANT PROTECTION & MANAGEMENT

The regulations to promote native trees and plants apply to all private land within unincorporated areas of San Bernardino County and on public lands owned by the County.

Protected trees or plants may be removed without becoming subject to the entire chapter of plants and tree removal regulations under the following circumstances:

1. Timber operations conducted under the Forest Practice Act of 1973.
2. Removals on some government lands.
3. Removals by public utilities.
4. Removals by Department of Forestry and Fire Protection.
5. Removals by Forest Improvement Programs or Agricultural Conservation Program.
6. Removals required by other laws.
7. Immediate threats to public safety.
8. Stocking control programs prepared by a California Registered Professional Forester.
9. Fire hazard reduction programs approved by the County Fire Department or local fire authority.
10. Removals approved by the County Land Use Services Department.
11. Removals on lots of 20,000 square feet (net) or less with an existing primary structure other than a sign.
12. Removals within twenty feet (20') of an existing structure that was constructed under a permit.
13. Up to two (2) trees per acre per year for private wood fuel (minimum one acre lot size).
14. Removals in oak woodlands determined by the Planning Division to be in compliance with Public Resource Code 21083.4.

In all cases, felled coniferous trees in the mountain region are not exempt from the bark and stump treatments, nor shall removal exemptions authorize the removal of perch trees in American Bald Eagle Habitat.

See the exact wording in the ordinance if any of the above items apply and are not further discussed here.

The exemptions that affect construction activity are #11 and #12. An undeveloped lot of any size is subject to all of the provisions of these regulations. Property with 20,000 square feet or less and developed with a building is exempt. Any removal within twenty feet (20') of an existing permitted structure regardless of lot size is also exempt. Land disturbances with exempt tree and plant removals remain subject to all applicable aspects of Part II and III of this guideline.

After determining the land disturbing or construction activity is not exempt, the following provisions apply:

REMOVAL PERMITS

A removal permit is required to be issued prior to the removal of any protected tree or plant.

An approved building permit may serve as a removal permit provided the approval includes a specific review of such removals in compliance with these regulations.

PLOT PLANS

When a protected tree or plant is to be removed, a plot plan is required. The plot plan must show which protected trees or plants are to be removed, transplanted or stockpiled. If there are no protected trees or plants on the property, the plot plan should contain a statement to that effect.

PRECONSTRUCTION INSPECTIONS

A preconstruction inspection is required prior to issuance of permits affected by these regulations even when no protected trees or plants are on the property. No land disturbance such as grading, land clearing, footing excavations, etc. is permitted until a pre-construction inspection has been made and approved.

When the inspector verifies the provisions have been met, a Preconstruction Inspection Report will specify if protected trees or plants may be removed, transplanted or stockpiled.

FINDINGS FOR REMOVAL

Protected trees or plants may only be removed if the following findings are made:

- A. The removal of the tree or plant is justified for one of the following reasons:
 - 1. The location of the native tree or plant and/or its dripline interferes with an allowed structure, sewage disposal area, paved area or other approved improvement or ground disturbing activity.
 - 2. The location of the native tree or plant and/or its dripline interferes with the planned improvement of a street or development of an approved access to the subject or adjoining private property.
 - 3. The location of the native tree or plant is hazardous to pedestrian or vehicular travel or safety.

4. The native tree or plant or its presence interferes with or is causing extensive damage to utility services or facilities, roadways, sidewalks, curbs, gutters, pavement, sewer line(s), drainage or flood control improvements, foundations, existing structures or municipal improvements.
5. The condition or location of the native plant or tree is adjacent to and in such close proximity to an existing or proposed structure that the native plant or tree has or will sustain significant damage.

B. In the Mountain Region only, the Reviewing Authority shall also make all of the following findings:

1. Where improvements are proposed, the design of such improvements ensures at least the following minimum percentage of the subject lot are in a natural undeveloped vegetated or revegetated condition that maintains or establishes the forest environment with sufficient vegetative coverage as determined by the Reviewing Authority.
 - a. Twenty percent (20%) of commercial, industrial and administrative/professional uses.
 - b. Thirty-five percent (35%) of multi-unit residential uses.
2. At least one half (1/2) of such natural areas for all uses, except single family residential uses, shall be located in the front yard area or located such that significant portions are visible from the public thoroughfare on which the improvements are to be located.
3. A perch tree within the identified Bald Eagle Habitat may not be removed without an adequate substitution provided.
4. A Registered Professional Forester has certified in writing that the condition or location of the subject tree is contributing to an overstocked tree stand conditions such that its removal will improve the overall health, safety and vigor of the stand of trees containing the subject tree.

C. In the Desert Region only, the Reviewing Authority shall also find that Joshua Trees proposed to be removed will be transplanted or stockpiled for future transplanting wherever possible. In the instance of stockpiling, the permittee shall comply with Department Policy to insure such Joshua Trees are transplanted appropriately.

Department policy for stockpiled Joshua Trees require that a qualified person approved by Building and Safety take charge of the trees. The name, address and phone number of that person and the method, location and time period registered with the County Land Use Services Department as available for transplanting shall be submitted to the inspector before the Preconstruction Inspection Report is approved.

Also in the desert area only - the Reviewing Authority must make a finding that no other reasonable alternative exists for the development of the land when the removal of specimen size Joshua Trees is requested. Specimen size trees are defined as meeting one or more of the following criteria:

- a. A circumference measurement equal to or greater than fifty inches (50") measured at four feet (4.5') from grade.
- b. Total tree height of fifteen feet (15') or greater.

- c. Trees possessing a bark-like trunk.
- d. A cluster of ten (10) or more individual trees, of any size, growing in close proximity to each other.

CONSTRUCTION STANDARDS

Unless otherwise approved in writing by a tree expert:

- 1. Native tree trunks and plants shall not be enclosed within roof lines or decking.
- 2. Utilities, construction signs, or other hardware shall not be attached so as to penetrate or abrade any live native tree or plant.
- 3. There shall be no grade alterations which buries any portion of a native tree or plant or significantly undercuts the root system within the dripline.

REGIONAL REQUIREMENTS

Mountain and Valley Areas:

The following trees are considered to be native to the Mountains and Valley Regions of our County and once attaining 6" or more stem diameter or 19" or more stem circumference measured at 4 1/2' above grade may only be removed with a permit, plans and approval:

Evergreens

White Fir
Incense Cedar
Bigcone Fir
Western Juniper
Utah Juniper
Pondersosa Pine
Jeffery Pine
Coulter Pine
Sugar Pine
Pinyon Pine
Knobcone Pine
Lodgepole Pine
California Bay
Live Oak
Canyon Live Oak
Interior Live Oak
Limber Pine

Deciduous

Ash
Bigleaf Maple
Black Cottonwood
Black Oak
Black Walnut
Box Elder
Dogwood
Fremont Cottonwood
Quaking Aspen
Sycamore
White Alder
Willow

Palm trees in linear plantings which are fifty feet (50') or greater in length within established windrows or parkway plantings are also protected.

All felled coniferous trees in the Mountain Region are required to have the bark and stump treated by one or more of the following measures:

- A. Remove to a solid waste disposal site specifically designated by the County for such use;
- B. Burn sufficiently to consume the bark, when allowed by local Fire Protection Agency and Air Pollution Control District;
- C. Lop and scatter material less than four inches (4") in diameter so that it is piled no higher than twenty-four inches (24") above the ground, when allowed by the local Fire Protection Agency;
- D. Remove the bark;
- E. Chip or grind;
- F. Split and scatter with bark toward the sun for a minimum of forty-five (45) consecutive days or until final inspection is completed, whichever is less;
- G. Stack in the sun and cover with six (6) mil clear plastic, which has a continuous seal from the outside and for at least 180 days;
- H. Spray with a commercial insecticide for such purposes, as approved by the County Agricultural Commissioner for such insects and purposes;
- I. Treat under any other method approved by the enforcement officer in writing.

Any fresh-cut stumps of any live coniferous trees shall be protected from infection by Annosus Root Rot with borax powder (granular tech, 10 mole) as soon as possible after felling, covering the entire newly exposed cut and/or broken surface completely with a thin uniform layer of white borax within two (2) hours.

Desert areas:

The following trees and plants are protected and may only be removed with a permit, plan and approval:

- A. The protected trees and plants with stems two inches (2") or greater in diameter or six feet (6') or greater in height are:
 - 1. Dalea, Spinosa (smoketree).
 - 2. All species of the genus Prosopis (mesquites).
- B. All species of the family Agavaceae (century plants, nolinias, yuccas).
- C. Creosote Rings, ten feet (10') or greater in diameter.
- D. All Joshua Trees.
- E. Additional plants protected or regulated by the California Desert Native Plants Act:

<u>Protected Rare Trees or Plants</u>		<u>Protected Trees or Plants</u>
Elephant Tree		Cacti
Saguaro Cactus		Ocotillo, Candlewood
Barrel Cactus		Palos Verdes
Crucifixion Thorn		Catclaw
Panamint Dudleya	5	Desert-holly

Bristlecone Pine
Fan Palm

Desert Ironwood

Any proposed development should be designed to leave as many undisturbed trees or plants as possible. If a Joshua Tree must be moved, then transplanting wherever possible is required. Transplanting on the same site is the best choice. If this is not possible, then the transplantable Joshua Tree(s) must be registered as available for transplanting with the County Land Use Services Department. The Department may specify a time period or other requirements that make the tree available for transplanting. If Joshua Trees or other plants protected by the California Desert Native Plants Act are going to be sold or if more than five (5) will be removed off the construction site or for the removal of rare plants, then additional approval and tags from the County Agricultural Commission are required.

RIPARIAN AREAS

A riparian area is a natural plant community located along and dependent upon a water body or water course such as creeks, streams, rivers, etc. These areas provide unique habitat for rare, endangered and threatened plants and animals. A riparian area may occur in any region of this County. Any removal of vegetation within 200' of the bank of a stream or as a protected area on an official Land Use Plan Overlay is subject to an environmental review by the Planning Division. If a riparian area is located on or near a proposed building site, contact the Advance Planning Division in San Bernardino for further details.

PART II. FLOOD HAZARD PROTECTION

The Flood Hazard Protection regulations apply to all new construction and land disturbing activities on all private land in the unincorporated areas of San Bernardino County that are not located within a Flood Plain Overlay District (FP1, FP2, FP3) or a Floodway (FW) land use district.

The provisions require that no person shall commence with a disturbance of land (grading or land clearing) or a construction activity which has the potential to affect a discernible water course without first obtaining approval to assure that the disturbance or construction activity will not affect or be affected by such watercourse.

A preconstruction inspection is required to be completed prior to the approval of any development permit. Except in areas where an Erosion and Sediment Control permit and plans are required, there is a separate fee for this inspection. During a preconstruction inspection, the building inspector determines whether or not a discernible watercourse could affect the activity.

The preconstruction inspection is not limited to those activities that require a permit. Examples of construction activity that might not require a permit, but are subject to these regulations are masonry fences or garden wall not over six feet (6') high, minor grading or leveling of land, retaining walls not over four feet (4') in total height and installations of drainage pipes or culverts.

A preconstruction inspection is recommended for these types of construction activities. If a construction activity occurs without such an inspection and affects a water course, it is a violation of this regulation. In such instances, the Department will require corrective measures be completed. In addition, penalties may be imposed.

If the building inspector determines during the preconstruction inspection no evidence of a watercourse exists, there are no further flood hazard requirements. If there is evidence of a watercourse, the building inspector may require a Flood Hazard Review which is a further study of the site by the Land Development Division of the Transportation/Flood Control Department and the Building and Safety Division.

A discernible watercourse is a watercourse that can be seen. Record maps (tract, parcel maps, etc.) or U.S.G.S. Topo maps may be checked for drainage easements or natural drainage courses. A watercourse may also be discernible from a field review. Obvious signs are pipes, culverts, dips in the road, eroded areas, debris deposition, or a sandy wash-like soil.

The Building and Safety Division cannot approve construction plans or issue permits until; 1) the preconstruction is completed and, 2) if the pre-construction inspection requires a Flood Hazard Development Review, the Division's recommendations shall be incorporated into the plans and conditions of approval.

PART III – SOIL EROSION POLLUTION PREVENTION (SEPP)

The Soil Erosion Pollution Prevention (SEPP) inspection considers the project erosion control methods. Land disturbing activity is potentially subject to the National Pollution Discharge Elimination System (NPDES) requirements and this review is intended to check information regarding compliance methods. The preconstruction plot plan is reviewed at the initial site inspection prior to any disturbance. If the disturbance is greater than one (1) acre, show the SEPP features on the preconstruction plot plan. These SEPP features are soil erosion prevention methods and include Best Management Practices (BMP's). For more information on BMP's, ask at any of the Building and Safety offices.

The initial site inspection verifies the plan accurately represents the site conditions and the erosion control methods are appropriate for the site slope, vegetation, permeability, etc. The inspector confirms best management practices are proposed to control erosion and that the limits of land disturbance are shown on the plan. If the land disturbance is more than one (1) acre the inspection will identify that the SEPP may require review by the Land Development and Planning Divisions. Allow three (3) business days for this determination to be made. Notification will be made if more information is necessary before proceeding.

Once approved, the plan features are to be maintained during construction and continue to final inspection. At final inspection the permanent measures are to be in place and the temporary measures removed.

PART IV. SUMMARY PROCEDURE FOR PRECONSTRUCTION INSPECTIONS

Do not begin any land disturbing activity until the approved Preconstruction Inspection Report, issued permit and conditions of approval have been obtained.

1. Prepare two (2) preconstruction plot plans. The preconstruction plot plan shall show the limits, dimensions, total area to be disturbed, location of the building footprint, driveways, parking areas, sewage disposal areas, protected trees or plants that will be removed, ⁷ planted or stock piled; and any discernible watercourse.

If the disturbed area will be more than one (1) acre, show the Best Management Practices on the plan. With the Best Management Practices shown, the preconstruction plan becomes your Soil Erosion Pollution Prevention plan. In erosion control areas, the erosion control plan and preconstruction plot plan are the same document. See the Erosion Control Guidelines for additional retention or detention requirements in erosion control areas that should be shown on this combined plan.

2. Apply for the preconstruction inspection permit and submit the plans prepared in Step #1 above. Usually, this is done in conjunction with submittal of building, grading or erosion control plans. Preconstruction and erosion control permits will be in “issued” status at this step.
3. Stake the property boundaries and post the address and owner's name on a sign at the front of the lot. The sign should be large enough to be clearly seen from a moving vehicle. In most cases it will be necessary to stake the building corners and flag protected plants that will be disturbed.
4. Request the preconstruction inspection. This request may be made like any other inspection request.
5. The inspector will complete the inspection and leave notice on the site if approved or describe any needed corrections. The plan review is not complete and the permit cannot be issued until the Preconstruction Inspection Report is approved and, if required, Flood Hazard Review or soil erosion pollution prevention requirements are incorporated into the building, grading plans and preconstruction plot plan.
6. When approved, the inspection status will be changed to “complete” and the plan and report will be signed by the inspector. Be sure to check the approved Preconstruction Inspection Report and plan for any changes or additional conditions that may have been placed on your project.
7. Remember to keep the plan, Preconstruction Inspection Report and flood hazard requirements, if any, on the job with the approved plans for all inspections in order for the Building Inspector to verify any conditions of approval. Be sure to install, maintain and comply with all conditions of approval.